

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

SHIRLEY RADABAUGH,

Plaintiff,

vs.

**CLAY TURNER REALTY GROUP, LLC,
Defendant.**

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JURY TRIAL DEMAND

DOCKET NO: 1:20-CV-00058-JRH-BKE

**MOTION FOR PARTIAL
SUMMARY JUDGMENT**

**DEFENDANT'S REPSONSE TO PLAINTIFF'S AFFIDAVIT IN SUPPORT
OF PLAINTIFF'S MOTION FOR ATTORNEY'S FEES UNDER 17 U.S.C. § 505**

Defendant Clay Turner Realty Group, LLC, via counsel, respectfully submits this response to Plaintiff's Affidavit in Support of Plaintiff's Motion for Attorney's Fees Under 17 U.S.C. § 505 and Fed. R. Civ. P. 54(d).

Plaintiff filed its Affidavit in support of its Motion for Attorney's Fees on September 16, 2021 claiming a total of \$8,274.00 in attorney's fees and \$221.30 in costs. The Court granted an Order granting the Motion for Attorney's fees subject to an allowance for Defendant to review and respond to Plaintiff's Affidavit on November 22, 2021. Defendant hereby submits this response pursuant to that Order.

In review of the Affidavit and supporting invoices, Defendant would object to the Pro Hac Vice costs being charged to Plaintiff, and now, by virtue of the Order of the Defendant as that would arguably be a cost subject to a regular course of business. While Attorney may not be formally licensed in the Southern District of Georgia, Attorney was aware of this when the case was accepted and would be aware of this cost needing to be paid. This is akin to charging a client for purchasing legal materials to increase knowledge in a subject area because it is new or charging a client for bar admission fees because they would be required to represent any client. It is no different when an Attorney takes a case outside of their existing bar admissions. Acceptance could be found if the client was fully aware of the cost, and accepted

that even if attorney's fees and costs were not to be awarded, she would be responsible for payment of the same in writing, but to-date no retainer agreements and/or supplemental agreements have been entered into evidence or provided as supporting evidence.

Defendant would further object to any fees associated with the former Attorney Richard Liebowitz following his formal disbarment by this honorable Court. Following the disbarment, he should not have been privy to any information in regards to the case or had any further involvement, as his prior involvement indicates he was extensively involved with the Carson Law Group prior to this case. See, Exhibit A, Invoices 12617, 14468, 15271, 15947, 16479, 17268, and 21071. Particularly on Invoice 21071, on line item dated 03/08/2021, it is found the firm communicated with Plaintiff in regards to Mr. Liebowitz's disbarment. Following notice of his disbarment, there should have been minimal follow-up with him for which the Client, and by virtue, now the Defendant should have been charged for. Defendant accordingly objects to any and all charges and/or line items which detail communications or conversations with Mr. Liebowitz following approximately ninety (90) days from the March 08, 2021 line item, to wit: June 08, 2021. Defendant hereby requests any and all line items which include communications or indications of communications with Mr. Richard Liebowitz following the date of June 08, 2021 be deducted from the costs attributed to the final total of attorney's fees requested by Plaintiff.

DATED: This, **2nd** day of **December**, 2021.

/s/ Kristen T. Jones

Kristen T. Jones
Attorney for Clay Turner Realty Group, LLC
GA BAR NO. 632847

TURNER JONES LEGAL, LLC
Post Office Box 1703
Lincolnton, Georgia 30817
(706) 359-3332

CERTIFICATE OF SERVICE

This is to certify that I have served upon parties and opposing counsel a copy of **Defendant's Response to Plaintiff's Affidavit in Support of Plaintiff's Motion for Attorney's Fees** as follows:

Dorsey R. Carson, Jr.
Attorney for Plaintiff
[via CM/ECF Electronic Delivery]
2870 Peachtree Road, NW
#915-3234
Atlanta, Georgia 30305

By statutory electronic service or by placing same in the United States mail with adequate postage thereon to assure proper delivery.

This 2nd day of December, 2021.

/s/ Kristen T. Jones

Kristen T. Jones
Attorney for Defendant
GA Bar No. 632847

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